

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

David Papazoni,	:
Plaintiff,	:
	:
v.	: File No. 2:05 CV 118
	:
Jo Anne B. Barnhart,	:
Commissioner of Social Security,	:
Defendant.	:

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed November 14, 2005. Plaintiff's objection was filed November 22, 2005 with opposition to plaintiff's objection filed on December 14, 2005.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b) (1); *Perez-Rubio v. Wyckoff*, 718 F.Supp. 217, 227 (S.D.N.Y. 1989). The district judge may "accept, reject, or modify, in whole or in part, the magistrate's proposed findings and recommendations." *Id.*

After careful review of the file, the Magistrate Judge's Report and Recommendation and the objections, this Court ADOPTS the Magistrate Judge's recommendations in full.

The defendant's motion to dismiss (Paper 10) is **GRANTED** and this case is **DISMISSED**.

Dated at Burlington, in the District of Vermont, this  
19th day of December, 2005.

/s/ William K. Sessions III  
William K. Sessions III  
Chief Judge  
U.S. District Court